

SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)
No. 1 Capitol District Bldg., 250 South Hotel St. 5th Fl., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Tel 808 586-2594

AGENDA

Wednesday, November 18, 2015 ★ 1:00 p.m.

No. 1 Capitol District Building

250 South Hotel Street - Conference Room 436

David Y. Ige
Governor

Luis P. Salaveria
DBEDT Director

Members

Anthony Borge
Chairperson
Oahu

Harris Nakamoto
Vice Chairperson
Oahu

Barbara Bennett
2nd Vice Chairperson
Kauai

Kyoko Y. Kimura
Maui

Robert Cundiff
Oahu

Nancy Atmospera-Walch
Oahu

Phillip Kasper
Maui

Garth Yamanaka
Hawaii

Director, DBEDT
Voting Ex Officio

I. Call to Order

II. Approval of October 21, 2015 Meeting Minutes

III. Old Business – After Public Hearing

- A. Discussion and Action on Proposed Amendments and Small Business Statement After Public Hearing to Title 3, Subtitle 6, Chapter 80, **General Provisions**, Section 1.1, “**Definitions**,” for new definition of “**Dancing**,” promulgated by City and County of Honolulu - Honolulu Liquor Commission – attached and incorporated as Exhibit 1
- B. Discussion and Action on Proposed Amendments and Small Business Statement After Public Hearing to Title 08, Subtitle 01, Chapter 101, “Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui,” Subchapter 1, General Provisions, Section 5, “**Definitions**,” for new definition of “**Dancing**,” promulgated by County of Maui - Department of Liquor Control Services – attached and incorporated as Exhibit 2
- C. Discussion and Action on Proposed Amendments and Small Business Statement After Public Hearing to Rules & Regulations 1.1, “**Definitions**,” for new definition of “**Dancing**,” promulgated by County of Kauai - Department of Liquor Control – attached and incorporated as Exhibit 3
- D. Discussion and Action on Proposed Amendments and Small Business Statement After Public Hearing to Hawaii Administrative Rules (HAR) Title 13 Chapter 256, Ocean Recreation Management Rules and Areas, Section 152, “**Kahaluu Bay**,” promulgated by Department of Land and Natural Resources – attached and incorporated as Exhibit 4

IV. Administrative Matters

- A. Discussion and Action on Suggested Amendments to the “Small Business Impact Statement,” Section 201M-2, Hawaii Revised Statutes (HRS)
- B. Update on the Board’s Budget Proposal for Fiscal Year 2017
- C. Update on the Board’s On-Going Outreach Efforts, in accordance with Chapter 201M, HRS, including update of Board Member Meetings with State Department Directors
- D. Discussion and Update on the Board’s Proposed Monthly e-Newsletter

V. Next Meeting: Scheduled for Wednesday, December 9, 2015, at 1:00 p.m., Conference Room 436, Capitol District Building, Honolulu, Hawaii

VI. Adjournment

If you require special assistance or auxiliary aid and/or services to participate in the public hearing process (i.e., sign language, interpreter, wheelchair accessibility, or parking designated for the disabled), please call (808) 586-2594 at least three (3) business days prior to the meeting so arrangements can be made.

November 18, 2015 ~ SBRRB Meeting Checklist

Member Attendance				
	Airline Preference	From	Details	Attend
Anthony Borge, Chair (P) (P)	NA	Oahu	Parking Pass	X
Barbara Bennett, 2nd Vice Chair Travel (Attorney) (P)	HA	Kauai	Parking Pass	X
Kyoko Kimura (P)	HA	Maui	Parking Pass	X
Harris Nakamoto, Vice Chair (P)	NA	Oahu	NA	X
Director's ex officio Mark Richey (P)	NA	Oahu	NA	X
Robert Cundiff (P) (P)	NA	Oahu	Parking Pass	X
Nancy Atmospera-Walch (P)	NA	Oahu	NA	X
Phillip Kasper Travel (Attorney) (P) Release from Maui - Lynn Pines	HA	Maui	Parking Pass	X
Garth Yamahaka Travel (Attorney) (P)	HA	B.I.	Parking Pass	X

Pre Meeting Checklist	
Conference Room #436 (Confirm each month)	X
Make 12 - 15 copies of rule packages for board packets <i>working on</i>	✓
Poll Board Attendance	✓
Prepare TAF's for Director's approval - ASAP (Linda)	✓✓ = Need cover
Airline booking ASAP - Linda <i>Garth / Barbara / Phil</i>	✓✓
Draft Agenda to Chair for approval <i>Sent 11-2-15</i>	APPROVED ✓
Post approved agenda on SBRRB website, State Calendar, Lt. Governor's Office	✓✓
Send Agendas to those people who requested it - IMPORTANT <i>Some</i>	✓✓ Done
Mail Board Packets to Board members, Deputy AG	✓
Include "discussion leader" names on the agendas to Board members only.	✓ Done 24
Photographer - Contact David NA	
Include parking permits in Board members' agenda packets.	✓

STAFF				
Margaret Ahn (P)				Yes
Dori Palcovich (P)				Yes

Post Meeting Checklist	

(P) = Envelope

Visitors Sign-in-Sheet – Small Business Regulatory Review Board – November 18, 2015

	Name	Title	Organization	Email	Phone
1	Anna Hilg	Asst Admin	Hano Lig Comm	ahilg@hokolulu.gov	768 7302
2	Don Pasaro	Admin	Hano Lig Comm	lpasaro@hokolulu.gov	768 7303
3					
4					
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16					

Exhibit 1

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Liquor Commission of the City and County of Honolulu will hold a public hearing in the hearings room of the Liquor Commission, Pacific Park Plaza Building, 711 Kapiolani Boulevard, Suite 600, Honolulu, Hawaii, on **Thursday, October 8, 2015, at 4:00 p.m.**, to consider the adoption of an amendment to the Rules of the Liquor Commission of the City and County of Honolulu.

The purpose of the proposed amendment is to comply with the requirements of Act 136, Session Laws of Hawaii 2015, which requires the Liquor Commission to provide a definition of "dancing" as it pertains to customer dancing in premises licensed to sell liquor for consumption therein. The proposed new definition of "dancing" to be added to Rule §3-80-1.1 is set forth below:

§3-80-1.1. Definitions.

"Dancing", as it pertains to a customer on the licensed premises, means the movement of the customer's body in a way that goes with the rhythm and style of music that is being played.

Those persons wishing to testify at this hearing may register prior to the hearing at the hearing site and are encouraged to submit one copy of their testimony by hand delivery, fax, mail, or email. Attendance at the public hearing is not a prerequisite for submission of testimony. Written testimony that is received by **4:30 p.m., Wednesday, October 7, 2015** at the below address by hand delivery, fax, mail, or email will be included with the record of the hearing.

Address and contact information: Liquor Commission
Pacific Park Plaza Building
711 Kapiolani Boulevard, Suite 600
Honolulu, Hawaii 96813
(808) 768-7311 (fax)
liquor@honolulu.gov (email)

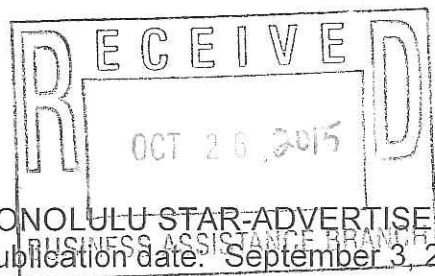
A copy of Act 136, Session Laws of Hawaii 2015, will be mailed at no cost to persons who call (808) 768-7355 and provide their name and mailing address. Copies are also available at no cost and may be reviewed in person at the Liquor Commission offices, Pacific Park Plaza, 711 Kapiolani Boulevard, Suite 600, Honolulu, Hawaii, Monday through Friday between 7:45 a.m. and 4:30 p.m., and on the Liquor Commission website at www.honolulu.gov/liq.

If you require an accommodation or auxiliary aid and/or services to participate in this meeting (i.e., sign language or foreign language interpreter), please call the Administrative Services Officer at 768-7308 at least 72 hours prior to the meeting.

Dated: August 31, 2015

LIQUOR COMMISSION OF THE
CITY AND COUNTY OF HONOLULU
MICHAEL S. YAMAGUCHI, Chairman

By FRANKLIN DON PACARRO, JR.
Administrator



HONOLULU STAR-ADVERTISER
BUSINESS ASSISTANCE BRANCH
Publication date: September 3, 2015

Exhibit 2

Amendment to Title 08, Chapter 101,
Rules Governing the Manufacture and Sale
of Intoxicating Liquor of the County of Maui

1. Section 08-101-5, Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui, is amended by adding a new definition to read as follows:

"Dancing" means to move your body in a way that goes with the rhythm and style of music that is being played. [Eff 7/1/00; am and comp 7/15/02; am and comp 4/22/12; am and comp 6/18/15; am and comp] (Auth: HRS §§ 91-2, 281-17) (Imp: HRS §281-17)

2. New material is underscored.

3. Addition to update source note to reflect the amendment is not underscored.

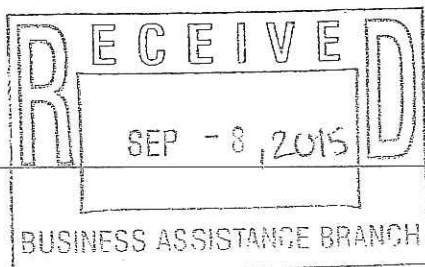
4. This amendment to Chapter 101, Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui, shall take effect ten days after filing with the Office of the County Clerk.

Adopted this _____ day of _____, 2015, at
Wailuku, Maui, Hawaii.

By _____
ROBERT TANAKA
Chairperson
LIQUOR COMMISSION

Approved this ____ day of _____, 2015.

ALAN M. ARAKAWA
Mayor, County of Maui



APPROVED AS TO FORM
AND LEGALITY:

EDWARD S. KUSHI, JR.
First Deputy Corporation Counsel
County of Maui

Received this _____ day of
_____, 20_____.

Clerk, County of Maui

Exhibit 3

Bernard P. Carvalho, Jr.
Mayor



Gerald T. Rapozo
Director

Nadine K. Nakamura
Managing Director

DEPARTMENT OF LIQUOR CONTROL
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 120, Lihu'e, Hawai'i 96766
TEL (808) 241-4966 FAX (808) 241-6585

September 2, 2015

Anthony Borge, Chair
Small Business Regulatory Review Board
Department of Business, Economic Development & Tourism
No. 1 Capitol District Building
250 South Hotel Street
Honolulu, Hawai'i 96813

Chair Borge and Members of the Small Business Regulatory Review Board:

The Liquor Control Commission of the County of Kauai proposes to amend the Rules & Regulations of the Liquor Control Commission by defining dancing.

Act 136 (2015) requires the liquor commissions to define dancing by October 1, 2015. For the County of Kauai, we propose to define dancing as "to move your body in a way that goes with the rhythm and style of music that is being played". The definition was taken directly from Merriam-Webster's dictionary.

I have also submitted the Pre-Public Hearing Small Business Impact Statement for your perusal. Please don't hesitate to call me if you have any questions at 808-241-4969.

Thank-you for your assistance in this matter.

Sincerely,


Gerald T. Rapozo
Director

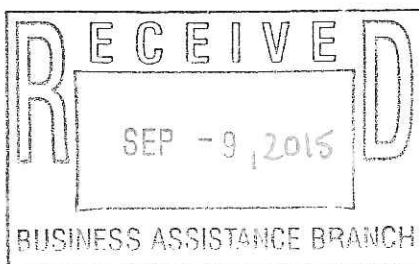


Exhibit 4

DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF BOATING AND OCEAN RECREATION

Amendment to Section 13-256-152
Hawaii Administrative Rules

[Date of adoption by agency]

1. Section 13-256-152, Hawaii Administrative Rules, is amended to read as follows:

~~"§13-256-152 Kahaluu Bay [Swimming Zone] ocean waters. [(a) Kahaluu Bay Swimming Zone means the area confined by the boundaries shown on Exhibit "HHH-1", dated February 7, 1990 and located at the end of this subchapter. The boundaries are as follows:~~

~~—Beginning at a point at the low water mark of Kalaau o Kalakani Point, then by azimuth measured clockwise from True South, 166 degrees to a point on the low water mark on the northern side of the Kahaluu Bay, then along the shoreline in a southerly direction to the point of beginning.~~

~~(b) Restrictions. Kahaluu Bay Swimming Zone is designated as a swimming and diving zone. No person shall operate or moor a vessel within this zone.]~~

(a) Kahaluu Bay ocean waters means the area shown on Exhibit "H-5", dated November 20, 2014, located at the end of this subchapter and incorporated herein. The boundaries are as follows:

Beginning at the low water mark of Kalaau o Kalakani Point at 19°34'37.81"N, 155°58'10.50"W; then to a point on the low water mark on the northern side of the Kahaluu Bay at Kamo Point at 19°35'09.24"N, 155°58'15.91"W; then along the shoreline in a southerly direction to the point of beginning.

(1) Restrictions. Kahaluu Bay ocean waters is designated as a swimming, surf boarding, and diving zone. No commercial water sports instruction or commercial tours may be conducted in Kahaluu Bay ocean waters without a permit from the department.

(b) Kahaluu Bay Zone A is described as follows: Beginning at a point on the low water mark on the northern side of the shoreline at 19°34'59.48"N, 155°58'06.11"W (hand rail); then south easterly along the shoreline to the north lifeguard tower at 19°34'48.67"N, 155°57'58.88"W; then seawards northwesterly to Pyramid Rock at 19°34'50.21"N, 155°58'07.98"W; then seawards north easterly ending at the point of beginning.

- (1) Restrictions. Zone A is designated as a surfing zone.
- (2) The department may issue a total of up to four permits for commercial surf school instruction within Zone A. Each permit shall authorize surf school instructors to conduct surfing instruction only within Zone A.
- (3) Each instructor shall have no more than four students in the water at a given time, with a maximum of eight students per surf school permit in the water at any given time. The maximum of one-to-four instructor-to-student ratio must be maintained at all times while in the water.
- (4) The instructor shall, at a minimum, possess a current Red Cross advanced life saving certificate, and be authorized by the County of Hawaii to conduct surf instruction on County property at Kahaluu Bay.
- (5) The department may designate the site of instruction within Kahaluu Bay Zone A and hours of operation for each permittee, and may change the site whenever such changes are found by the department to be necessary.

(c) Kahaluu Bay Zone B is described as follows: Beginning at Kalaau O Kalakani Point at 19°34'37.81"N, 155°58'10.50"W; then northeasterly along the shoreline to the north lifeguard tower at 19°34'48.67"N, 155°57'58.88"W; then seawards northwesterly to Pyramid Rock at 19°34'50.21"N, 155°58'07.98"W; then seawards in a southerly

direction ending at Kalaau O Kalakani Point at the point of beginning.

(1) Restrictions. Zone B is designated as a swim zone. No person shall operate or moor any vessel within this zone, including but not limited to boats, motorboats, surfboards, paddleboards, sailboards, kayaks, and canoes.


[Eff 2/24/94; am] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

2. Material, except source notes, to be repealed is bracketed and stricken. New material is underscored.

3. Additions to update source notes to reflect this amendment is not underscored.

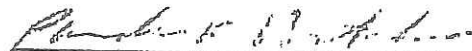
4. The amendment to section 13-256-152, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ by the Board of Land and Natural Resources, and filed with the Office of the Lieutenant Governor.



WILLIAM J. AILA, JR.
Chairperson
Board of Land and Natural Resources

APPROVED FOR PUBLIC HEARING:



Deputy Attorney General

KAMOEA POINT

Hawai'i



0 1875 3750
Feet

Zone location is approximate
Map Date: Nov 20, 2014
§13-256-152 HAR

Kahaluu Bay
Ocean Waters

Band
Hall

ZONE A

Pyramid
Rock

ZONE B

Life Guard
Station

KALAAU O KALAKANI POINT

EXHIBIT H-5: KAHALUU BAY OCEAN WATERS
Ocean Recreation Management Area

ZONE A - SURFING
ZONE B - SWIMMING